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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,242	08/01/2001	Andrew Hodgkinson	BAI825390/01485	4038
24118	7590	10/31/2006	EXAMINER	
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			STORK, KYLE R	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/920,242

Applicant(s)

HODGKINSON, ANDREW

Examiner

Kyle R. Stork

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This final office action is in response to the amendment filed 23 August 2006.
2. Claims 1-17 are pending. Claims 1, 10, and 16-17 are independent claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 9-10, 13, and 15-17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (US 5918239, filed 21 January 1997, hereafter Allen), and further in view of Lowery et al. (US 5894554, patented 13 April 1999, hereafter Lowery).

In regard to independent claim 1, Allen discloses the capability of identifying and obtaining data for a web page in response to a user instruction and processing the received data by a web browser to generate and display the web page by the web browser on a display screen connected thereto and wherein when the web page has been selected (Allen Abstract and Col 2 Lines 15-22)

Allen does not specifically disclose the data is being received the reformatting of the displayed web page is controlled so as to occur only after a predetermined time has elapsed since the previous web page reformat or after a predetermined event has occurred to reduce the number of reformats required in displaying the web page as data

is received. However, Lowery discloses the data is being received the reformatting of the displayed web page is controlled so as to occur only after a predetermined time has elapsed since the previous web page reformat or after a predetermined event has occurred to reduce the number of reformats required in displaying the web page as data is received (Figures 4-5; column 8, lines 26-51: Here, the interceptor intercepts the URL request, manages the resources, and presents the requested URL to a user once the entire page has been assembled, a predetermined event). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lowery with Allen, since it would have allowed a user to more quickly receive a requested webpage (Lowery: column 6, line 56- column 7, line 8).

In regard to dependent claim 2, Allen and Lowery disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Allen further discloses wherein the use of the data processor is controlled by allowing the reformatting of the displayed web page to be stopped from occurring as the data is received (Allen Col 2 Lines 15-22)

In regard to dependent claim 4, Allen and Lowery disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Allen further discloses wherein when the first portion of data is received for a newly selected display page a reformat is carried out immediately to give the user the earliest possible indication of progress. (Allen Abstract and Col 2 Lines 9-14)

In regard to dependent claim 9, Allen and Lowery disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Allen further

discloses the entire data fetch is complete as required, the reformatting of the displayed page can occur and the parts of the page which need to be changed in response to the newly received data are reformatted. (Allen Col 4 Lines 20-35)

In regard to independent claim 10, Allen discloses a deferring system which prevents the web browser from reformatting pages during the reception of data each time the display page layout needs to change in response to a user selection wherein the web browser reformats according to ...or when a predetermined amount of the data for the new page has been received. (Allen Abstract and Col 2 Lines 15-22)

Allen does not specifically disclose the data is being received the reformatting of the displayed web page is controlled so as to occur only after a predetermined time has elapsed since the previous web page reformat or after a predetermined event has occurred to reduce the number of reformats required in displaying the web page as data is received. However, Lowery discloses the data is being received the reformatting of the displayed web page is controlled so as to occur only after a predetermined time has elapsed since the previous web page reformat or after a predetermined event has occurred to reduce the number of reformats required in displaying the web page as data is received (Figures 4-5; column 8, lines 26-51: Here, the interceptor intercepts the URL request, manages the resources, and presents the requested URL to a user once the entire page has been assembled, an event). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lowery with Allen, since it would have allowed a user to more quickly receive a requested webpage (Lowery: column 6, line 56- column 7, line 8).

In regard to dependent claim 13, Allen and Lowery disclose the limitations similar to those in claim 10, and the same rejection is incorporated herein. Allen further discloses wherein the reformat is delayed until all data for the entire page is received. (Allen Col 2 Lines 15-22)

In regard to dependent claim 15, Allen and Lowery disclose the limitations similar to those in claim 10, and the same rejection is incorporated herein. Allen further discloses a management system wherein the system is incorporated in a processor of a broadcast data receiver, which allows Internet access (Allen Abstract: i.e. it is known that a web browser is displayed through the Internet).

As per independent claims 16 and 17, the applicant discloses the limitations substantially similar to those in claim 1. Claims 16 and 17 are similarly rejected.

5. Claims 3, 12, and 14 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Allen and Lowery, and further in view of Horvitz (US 6085226, patented 4 July 2000).

In regard to dependent claim 3, Allen and Lowery disclose the limitations similar to those in claim 1, and the same rejection is incorporated herein. Allen fails to specifically disclose wherein the facility prevents the reformatting of the displayed page until a prefixed time interval has elapsed after the previous display page reformat. However, Horvitz mentions the web page event occurring during a certain time period (Figure 17a, item 1705). It would have been obvious to one of ordinary skill in the art to apply Horvitz to Allen, providing Allen the benefit of displaying the web page during a

certain elapsed time the insure a correct and transformation as well as quick transformation.

In regard to dependent claim 12, Allen and Lowery disclose the limitations similar to those in claim 10, and the same rejection is incorporated herein. Allen fails to specifically disclose wherein the reformat is delayed for the duration of a predesignated time period from the occurrence of a user selection. However, Horvitz mentions the web page event occurring during a certain time period (Figure 17a). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of displaying the web page during a certain elapsed time the insure a correct and transformation as well as quick transformation.

In regard to dependent claim 14, Allen and Lowery disclose the limitations similar to those in claim 10, and the same rejection is incorporated herein. Allen fails to specifically disclose wherein upon a user selection, the processor performs the data reception function only for a predesignated period of time. However, Cordell mentions the web page event occurring during a certain time period (Cordell Col 13 Lines 24-40). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of displaying the web page during a certain elapsed time the insure a correct and transformation as well as quick transformation.

6. Claims 5, 7-8, and 11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Allen and Lowery, and further in view of Cordell.

In regard to dependent claim 5, Allen does not specifically disclose wherein when an event occurs in the reception of data that would conventionally cause an immediate reformat of the web page the facility notes the highest y-coordinate point or level in the displayed page that would be affected by the reformat and commences the time interval. However, Cordell mentions a similar process (Cordell Col 13 Lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

In regard to dependent claim 7, Allen and Lowery and Cordell disclose the limitations similar to those in claim 5, and the same rejection is incorporated herein. Lowery further discloses reformatting of the page display can occur during the time interval if all or a predefined proportion of data for the page is received during the time interval (column 8, lines 26-51). ). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Lowery with Allen, since it would have allowed a user to more quickly receive a requested webpage (Lowery: column 6, line 56- column 7, line 8).

In regard to dependent claim 8, Allen does not specifically disclose wherein sufficient data is deemed to have been received when data which would allow changes to the web page to be achieved up to the previously noted highest y-coordinate point or level has been received. However, Cordell mentions a similar process (Cordell Col 13 Lines 1-58). It would have been obvious to one of ordinary skill in the art to apply



Cordell to Allen, providing Allen the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

In regard to dependent claim 11, Allen does not specifically disclose a management system wherein when a new data event occurs that would normally cause an immediate page reformat, the browser takes note of the highest point in the page that would be affected and starts a time and delays reformat until a predesignated time elapses. However, Cordell mentions a similar process (Cordell Col 13 Lines 1-58). It would have been obvious to one of ordinary skill in the art to apply Cordell to Allen, providing Allen the benefit of determining the highest level of the displayed page affected to ensure the correct format of the page.

7. Claim 6 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Allen and Lowery and Cordell, and further in view of Horvitz.

As per dependent claim 6, the applicant discloses the limitations substantially similar to those in claim 3. Claim 6 is similarly rejected.

### ***Response to Arguments***

8. Applicant's arguments filed 23 August 2006 have been fully considered but they are not persuasive.

The applicant argues that the prior art fails to teach displaying to the web page by a web browser as the data is received by the web browser (page 6). The examiner respectfully disagrees. Allen discloses wherein, "the web browser loads the other web

page from a server or remote repository into the memory device local to the client web browser (abstract, lines 5-7). Further, the obtained web pages are displayed via the web browser (column 2, lines 40-46).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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krs



**CESAR PAULA**  
**PRIMARY EXAMINER**